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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,610	10/22/2003	David Theiler	T0803.0002/P002	4815
24998	7590	12/17/2004	EXAMINER	
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP 2101 L Street, NW Washington, DC 20037			COLON, CATHERINE M	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/689,610	THEILER, DAVID <i>SD</i>	
	Examiner	Art Unit	
	C. Michelle Colon	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 06 October 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

1. The following is a Final Office Action in response to the communication received on October 6, 2004. Claims 1-14 and 19 have been amended. Claim 21 has been cancelled. Claims 1-20 are now pending in this application.

Response to Amendment

2. Applicant's amendments to claims 1-14 and 19 are acknowledged. Applicant's amendments are sufficient to overcome the 35 U.S.C. 101 technological arts rejection of claims 1-7; therefore, the 35 U.S.C. 101 technological arts rejection is withdrawn.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Gabbita et al. (U.S. 6,349,238).

As per claims 1 and 12, Gabbita et al. discloses a method and apparatus for creating a workflow process management application suitable for an organization, comprising:

creating on a computer system, a plurality of department objects (col. 1, lines 52-64; col. 11, lines 22-28; col. 28, line 28; The system creates various objects relating to different entities associated with an organization.);

creating, on said computer system, a plurality of resource objects, each resource object being associated with at least one of said department objects and a production resource of said organization (col. 2, lines 29-37; col. 6, lines 1-6; col. 11, lines 22-28; The system assigns resources to the workflow steps associated with a work plan.);

creating, on said computer system, a plurality of activity objects, each activity object being associated with at least one of said department objects and an activity of said organization (col. 5, lines 60-67; The system selects a work plan, which comprises workflow steps or activities, based on the service order received.); and

generating, by said computer system, from a set of objects comprising said department, resource, and activity objects, a workflow process management application (col. 5, lines 20-25 and 33-44; Figure 1B; The system uses a workflow management application to schedule and allocate resources to perform various work steps, which are a part of a work plan created by a user.);

wherein said workflow process management application, when executed by said computer, permits a user to enter a workflow plan for said organization, receive a workflow performed by said organization and create a report comparing said workflow plan with said workflow performed (col. 5, line 60-col. 6, line 6; col. 8, line 50-64; col. 9, lines 14-26 and 30-37; col. 30, lines 43-49; Figure 3; The system allows users to create work plans, which comprise workflow steps, and store the work plans in a database.

The work plans to be implemented are selected based on the service orders received.

The system and monitor and report on the work performed based on the work plan.).

As per claims 2 and 13, Gabbita et al. discloses the method and apparatus of claims 1 and 12, wherein in said workflow process management application, said user enters a workflow plan by creating relationships between said resource and activity objects for each department (col. 17, line 65-col. 18, line 5; The system allows users to define relationships between workflow steps (i.e., activities) and the resources (i.e., people or groups) who are to perform the workflow steps.).

As per claims 3 and 14, Gabbita et al. discloses the method and apparatus of claims 1 and 12, wherein said plurality of activity objects comprise a plurality of fixed activity objects and variable activity objects (col. 8, lines 50-61; col. 9, lines 45-65; The system has required, or fixed, activities and changeable, or variable, activities.).

As per claim 4, Gabbita et al. discloses the method of claim 1, further comprising: selecting from a group of templates, a selected template and after said selecting, automatically creating a plurality of department, resource, and activity objects associated with said selected template (col. 16, lines 48-60 and 62-66; col. 17, lines 41-44).

As per claim 6, Gabbita et al. discloses the method of claim 1, further comprising: creating, on said computer system, a plurality of objects related to groups, locations, and acuities, wherein said set of objects further comprises said plurality of objects related to groups, locations, and acuities (col. 1, lines 52-64; col. 11, lines 22-

28; col. 28, line 28; The system creates various objects relating to different entities associated with an organization.).

As per claim 7, Gabbita et al. discloses the method of claim 6, wherein said workflow process management application, said user enters a workflow plan by creating relationships between said resource objects, activity objects, and objects related to groups, locations, and acuities (col. 17, line 65-col. 18, line 5; The system allows users to define relationships between workflow steps (i.e., activities) and the resources (i.e., people or groups) who are to perform the workflow steps.).

As per claim 8, Gabbita et al. discloses a computer readable medium, comprising:

a web based application comprising a plurality of web pages and a plurality of database tables, said web based application being executable by a computer (col. 5, lines 9-13; Figure 1B);

wherein the computer, when executing the application, permits a user to:

create, a plurality of department objects (col. 1, lines 52-64; col. 11, lines 22-28; col. 28, line 28; The system creates various objects relating to different entities associated with an organization.);

create a plurality of resource objects, each resource object being associated with at least one of said department objects and a production resource of said organization (col. 2, lines 29-37; col. 6, lines 1-6; col. 11, lines 22-28; The system assigns resources to the workflow steps associated with a work plan.);

create a plurality of activity objects, each activity object being associated with at least one of said department objects and an activity of said organization (col. 5, lines 60-67; The system selects a work plan, which comprises workflow steps or activities, based on the service order received.); and

cause said computer to generate from a set of objects comprising said department, resource, and activity objects, a workflow process management application (col. 5, lines 20-25 and 33-44; Figure 1B; The system uses a workflow management application to schedule and allocate resources to perform various work steps, which are a part of a work plan created by a user.);

wherein said workflow process management application permits said user to enter a workflow plan for said organization, receive a workflow performed by said organization and create a report comparing said workflow plan with said workflow performed (col. 5, line 60-col. 6, line 6; col. 8, line 50-64; col. 9, lines 14-26 and 30-37; col. 30, lines 43-49; Figure 3; The system allows users to create work plans, which comprise workflow steps, and store the work plans in a database. The work plans to be implemented are selected based on the service orders received. The system and monitor and report on the work performed based on the work plan.).

As per claim 9, Gabbita et al. discloses the computer readable medium of claim 8, wherein in said workflow process management application, said user enters a workflow plan by creating relationships between said resource and activity objects for each department (col. 17, line 65-col. 18, line 5; The system allows users to define

relationships between workflow steps (i.e., activities) and the resources (i.e., people or groups) who are to perform the workflow steps.).

As per claim 10, Gabbita et al. discloses the computer readable medium of claim 8, wherein said application further permits said user to create a plurality of objects related to groups, locations, and acuities, and said set of objects further comprises said plurality of objects related to groups, locations, and acuities (col. 1, lines 52-64; col. 11, lines 22-28; col. 28, line 28; The system creates various objects relating to different entities associated with an organization.).

As per claim 11, Gabbita et al. discloses the computer readable medium of claim 8, wherein in said workflow process management application, said user enters a workflow plan by creating relationships between said resource objects, activity objects, and objects relating to groups, locations, and acuities (col. 17, line 65-col. 18, line 5; The system allows users to define relationships between workflow steps (i.e., activities) and the resources (i.e., people or groups) who are to perform the workflow steps.).

As per claim 15, Gabbita et al. discloses the method of claim 1, further comprising:

displaying a page in a user interface, said page comprising:
a logo region, a menu region, including at least one menu item, a navigation region and a context sensitive area (col. 5, lines 33-48; col. 29, lines 9-14).

As per claim 16, Gabbita et al. discloses the method of claim 15, wherein the objects created in said creating step are based on user events generated by a user interacting with said menu region, navigation region and context sensitive area (col. 5,

lines 9-13; col. 5, line 60-col. 6, line 6; col. 8, line 50-64; col. 9, lines 14-26 and 30-37; col. 11, lines 22-28; Figures 1B and 3; The system allows users to create work plans, which comprise workflow steps, and store the work plans in a database.).

As per claim 17, Gabbita et al. discloses the method of claim 15, wherein said context sensitive area includes a hierarchical control object for showing and hiding a list of hierarchical objects (col. 29, lines 3-14; Table 3).

As per claim 18, Gabbita et al. discloses the method of claim 17, wherein said hierarchical objects comprise at least one department of said organization (col. 29, lines 3-14; Table 3; The system provides a hierarchical list of authorized users for the different groups/departments.).

As per claim 19, Gabbita et al. discloses the method of claim 17, wherein said application further permits said user to create a plurality of objects related to groups, locations, and acuities, said set of objects further comprises said plurality of objects related to groups, locations, and acuities, and said hierarchical objects comprise at least one location of said organization (col. 17, line 65-col. 18, line 5; The system allows users to define relationships between workflow steps (i.e., activities) and the resources (i.e., people or groups) who are to perform the workflow steps.).

As per claim 20, Gabbita et al. discloses the method of claim 15, wherein said menu region comprise at least one of a menu item and a sub-menu (col. 29, lines 9-14).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gabbita et al. (U.S. 6,349,238).

As per claim 5, Gabbita et al. discloses the method of claim 4, as discussed above. Gabbita et al. does not expressly disclose the workflow management application being used for a hospital. However, the claimed invention indicating the workflow management application being used for a hospital is mere intended use. That the workflow management application is to be used in a hospital is irrelevant since the intended field of use does not change the overall functionality of the system. The intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). Accordingly, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the workflow management application of Gabbita et al. for managing the workflow of a hospital because Gabbita et al. creates workflow processes using object oriented design, where the objects can represent any type of organizational resource, thus providing a flexible system applicable to various types of organizations.

Response to Arguments

7. Applicant's arguments are moot in view of the new grounds of rejections.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Pareschi et al. (U.S. 6,725,428) discusses a method for providing representations of work; and
- Lynn et al. (U.S. 6,606,740) discusses a development framework for workflow systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Colon whose telephone number is 703-605-4251. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 703-305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

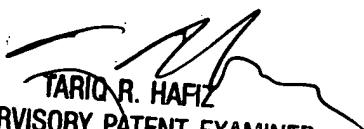
703-872-9306 [Official Communications; including After Final communications labeled "Box AF"]

703-746-7202 [For status inquiries, draft communication, labeled
"Proposed" or "Draft"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal
Drive, Arlington, VA 7th floor receptionist.



December 13, 2004



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